

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

COREY ALLEN BENNETT,)
)
Plaintiff,)
)
v.) No. 3:13-CV-457-TAV-CCS
)
)
TENN. DEPT. OF CORRECTIONS, *et al.*,)
)
Defendants.)
)

MEMORANDUM AND ORDER

This case is before the undersigned pursuant to 28 U.S.C. § 636, the Rules of this Court, and Standing Order 13-02.

Now before the Court is a Motion to Withdraw as Attorney of Record, [Doc. 20], filed by Attorney A. Phillip Lomonaco. Mr. Lomonaco moves the Court to permit him to withdraw as counsel for the Plaintiff, because the Plaintiff is attempting to resolve this case without the advice of counsel.

Local Rule 83.4 governs the withdrawal of counsel in cases filed in the Eastern District of Tennessee. It states:

To withdraw from a case, an attorney must do the following:

- (1) File a motion with the Court requesting permission to withdraw as counsel of record;
- (2) Include in the motion the current mailing address and telephone number of the client;
- (3) Unless the motion is signed by both the attorney and the client or a consent to the withdrawal signed by the client is attached to the motion, provide a copy of the motion to the client at least 14 days prior to the date the motion is filed;
- (4) If a hearing date on the motion is set, certify in writing to the Court that the client was served at least 7 days before the hearing

with notice (i) of the date, time and place of the hearing and (ii) that the client has a right to appear and be heard on the motion; and

(5) Certify to the Court that the above requirements have been met.

E.D. Tenn. L.R. 83.4.

Mr. Lomonaco has not included the Plaintiff's telephone number and mailing address in his motion. Moreover, the Plaintiff has not indicated his consent to the motion by signing or otherwise endorsing it. Further, Mr. Lomonaco has not represented to the Court that this motion was served upon Plaintiff fourteen days prior to the motion being filed. Finally, the motion does not certify that the requirements of Rule 83.4 have been met.

Accordingly, the Court finds that the Motion to Withdraw as Attorney of Record [Doc. 20] does not comply with Local Rule 83.4, and therefore, it is **DENIED WITHOUT PREJUDICE**, to allow re-filing as appropriate.

IT IS SO ORDERED.

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge